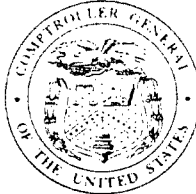


DECISION



17920
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-201154

Request For DATE: April 29, 1981

MATTER OF: Lee Roofing Co. *Reconsideration*

DIGEST:

Fact that untimely filing of protest may have been result of United States Postal Service delivery by regular mail does not permit consideration of untimely filed protest. Protesters are advised in Bid Protest Procedures, specifically at 4 C.F.R. § 20.2(b)(3), to transmit protests in manner which will assure earliest receipt by our Office.

(A) In our decision *was* in Lee Roofing Co., B-201154, March 16, 1981, 81-1 CPD 197, we dismissed as untimely the Lee Roofing Co. protest under General Services Administration solicitation for project No. RNV20527 because the protest was not filed with our Office within 10 working days of the time the basis for the protest was known to the protester. Reconsideration of that decision is requested because, it is stated, the protest was mailed in a timely fashion and would have been received by our Office in a timely manner but for the fact that it took the Postal Service 8 days to deliver the protest to us. It is noted that our March 16 decision was delivered to the protester by the Postal Service in only 4 days.

Protesters are specifically advised in our Bid Protest Procedures at 4 C.F.R. § 20.2(b)(3) (1980), to transmit protests in the manner which will assure the earliest receipt by our Office. A protest may be expeditiously filed by only a brief telegram containing the information required in 4 C.F.R. § 20.1(c). Consequently, except where the protest "was sent by registered or certified mail not later than the fifth day, or by mailgram not later than the third day, prior to the final date for filing a protest" (4 C.F.R. § 20.2(b)(3)), a protester makes use of regular mail for the filing

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of a protest at his own risk. } A delay in the mails will not serve as a basis for considering an untimely filed protest. } See 53 Comp. Gen. 518 (1974), 74-1 CPD 43; In-Trol, B-182055, September 5, 1974, 74-2 CPD 151, affirmed November 7, 1974, 74-2 CPD 246; National Key punch Services, Inc., B-182304, October 22, 1974, 74-2 CPD 221; Hesse Machine & Mfg. Co. Inc., B-193984, February 23, 1979, 79-1 CPD 130.

Accordingly, {our} above-cited {decision} of March 16 {is affirmed.}

Milton J. Aorolan

Acting Comptroller General
of the United States